

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
QIAN LIN and PETER MOCEO  
Plaintiffs  
A75 560 206

v.

Case # 04 CV 06782

MARY ANN GANTNER, DISTRICT DIRECTOR,  
UNITED STATES CITIZENSHIP AND IMMIGRATION  
SERVICES, NY DISTRICT; EDWARD AGUIRRE,  
DIRECTOR OF UNITED STATES CITIZENSHIP AND  
IMMIGRATION SERVICES; AND TOM RIDGE,  
SECRETARY OF HOMELAND SECURITY  
Defendants

Judge Wood

**PETITION FOR MANDAMUS RELIEF**

1. This action is brought against Defendants in their official capacity to compel them to adjudicate plaintiffs' I-130 petition relative petition and I-485 application for lawful permanent residence within 60 days.

**PARTIES**

2. Plaintiff Qian Lin is a 40 year old native and citizen of the People's Republic of China who resides at 721 Fifth Ave. Apt 33C, New York, NY 10022 with her United States citizen husband Peter Mocco.

3. Plaintiff Peter Moceo is a 44 year old native and citizen of the United States who resides at 721 Fifth Ave. Apt 33C, New York, NY 10022 with his wife Qian Lin.

4. Defendant Mary Ann Gantner is the District Director of the United States Citizenship and Immigration Services (USCIS), NY district, a district office component of the Department of Homeland Security(DHS). With offices at 26 Federal Plaza, New York, NY 10278, Defendant Gantner is charged with overall supervisory responsibility over immigration and citizenship benefit operations in the NY district.

5. Defendant Edward Aguirre is the Director of USCIS, a bureau which is a component of the DHS. He is the official overseeing the District and Regional offices of USCIS, with offices in Washington, D.C.

6. Defendant Tom Ridge is the Secretary of the United States Department of Homeland Security, a cabinet department which USCIS is a part of. He has overall supervisory authority over USCIS and administration of immigration and citizenship benefits, inter alia.

#### **JURISDICTION**

7. Jurisdiction in this case is proper under 28 U.S.C. §1331 and §1361, 5 U.S.C. § 701 et seq., and §2201 et seq.

#### **VENUE**

8. Venue lies within the Southern District of New York pursuant to 28 U.S.C. §1391(e) as one of the Defendants and both of the plaintiffs reside within the Southern District of New York.

#### **EXHAUSTION OF REMEDIES**

9. Plaintiffs have exhausted administrative remedies. They have made numerous inquiries with USCIS with regard to the lack of adjudication of the I-130 petition and I-485 application for adjustment of status for Plaintiff Qian LIN pending since 1999. All future efforts with regard to this matter by Plaintiffs would be futile.

#### **CAUSE OF ACTION**

10. On or about May 24, 1999, Plaintiffs filed an I-130/I-485 petition with legacy INS, the predecessor to USCIS at Defendants' NY District Office pursuant to §201(2)(a)(i) and §245 of the Immigration and Nationality Act. The I-130 Petition was filed to classify Plaintiff Lin as the spouse of a US citizen. The I-485 was filed for Plaintiff Qin to adjust her status to that of a permanent resident. (See Exhibit 1, copy of I-130/I485 filing receipt).

11. On October 16, 2000 Plaintiffs had an interview with regard to the application for adjustment of status at Defendant's office at 26 Federal Plaza. The District Adjudications Officer who conducted the interview was DAO Marshall. At the time of the interview, Defendant could not find Plaintiff's A file. The interview was conducted with a temporary work folder. (See Exhibit 2, copy of §245 interview notice).

12. Aside from the fact that Defendants could not locate Plaintiff's A file, on information and belief, the only reason that the application for adjustment of status could not be approved was because Plaintiff Lin had been convicted of disorderly conduct, a violation under the NYS Penal Code. DAO Marshall issued an I-72 which required a certified copy of the disposition and proof of satisfaction of the community service to be submitted within 120 days. The conviction had been fully disclosed by Plaintiff at the time of the filing of the application for adjustment of status. (See Exhibit 3, copy of I-72).

13. On information and belief, Plaintiffs hand delivered the disposition and proof of satisfaction

of the community service approximately 15 days later to Defendant directly to the 245 unit at 26 Federal Plaza, Room 8-800 NY, NY. No receipt was given by Defendant to Plaintiffs. (See Exhibit 4, copy of disposition and proof of satisfaction of community service).

14. Approximately six months passed without a decision. Growing concerned that no decision had been received, Plaintiffs made an in person inquiry at Defendants' NY offices at 26 Federal Plaza, Room 8-800 NY, NY on or about 4/11/01. No response to this inquiry from Defendant was ever received nor has this petition/application been adjudicated. (See Exhibit 5, copy of inquiry sheet).

15. Plaintiff Moceo sent two letters to DAO Marshall inquiring about this case without any response from Defendant. (See Exhibit 6, copy of the letters with certified receipt).

16. Fearing that the I-72 with the disposition and the proof of satisfaction of community service may have gone astray, Plaintiff's mailed a copy of the aforementioned documents to Defendant via certified mail later in April of 2001. (See Exhibit 7, copy of certified receipt).

17. From that date forward until the present Plaintiffs made at least seven inquiries in person at Defendant's offices on or about 5/23/02, 7/17/02, 8/22/02, 7/15/03, 10/28/03, 0/30/03, and 4/21/04. No response from Defendant has ever been received nor has this petition/application been adjudicated. (See Exhibit 8, copy of listing of dates inquiries were made and copies of some inquiry sheets).

18. Defendants owe a duty to Plaintiffs to adjudicate Plaintiffs' relative petition and adjustment of application in a timely manner. Since this case has been pending since 1999 and the interview was conducted in 2000, this is an excessive amount of time for this case not to be adjudicated.

19. Defendants, in violation of the Administrative Procedure Act, 5 U.S.C. §701 et seq., are unlawfully withholding and unreasonably delaying the adjudication of Plaintiffs' relative petition and adjustment of status application and have failed to carry out the adjudicative functions delegated to them by law.

20. Plaintiffs are irreparably harmed by Defendants failure to adjudicate Plaintiffs' aforementioned relative petition and adjustment of status application in a timely manner.

#### **PRAYER FOR RELIEF**

21. Wherefore, Plaintiff requests the court to grant the following relief:

- A. Order Defendants to take all necessary steps to adjudicate Plaintiffs' relative petition and adjustment of status application within 60 days.
- B. Accept and maintain continuing jurisdiction in this case.
- C. Award Plaintiff the costs of this action, including fair and reasonable attorneys fees under

EAJA.

D. Provide such relief as may be just and proper.

Respectfully submitted,



Carolyn S. Goldfarb, Esq.  
20 W. 20<sup>th</sup> Street 2<sup>nd</sup> Floor  
New York, NY 10011  
212-807-0820 phone  
212-807-0920 fax  
email: [CarolynEsq@aol.com](mailto:CarolynEsq@aol.com)  
CSG1458

Dated: 8/19/04

EXHIBIT 1

U.S.I.N.S.  
FEE RECEIPT  
A CENTURY OF SERVICE

05/24/99 N.Y.C.

75560206\*#

LIN# Q #

I 485 \$ 220.00

FR PRINT \$ 25.00

I 130 \$ 110.00

YI 765 \$ 100.00

YI 131 \$ 95.00

SUBTTL 550.00

TTLAMT 550.00

EC 550.00

CHANGE 0.00

5 ITEMS

0007002

9:48

EXHIBIT 2

PRESENT THIS LETTER AT THE WORTH STREET ENTRANCE

Lin Qian

Date: 7-27-99

OFFICE LOCATION	25 FEDERAL PLAZA NEW YORK, NEW YORK 10278	Room No. J0-112	Floor No. 10TH
DATE AND HOUR	Oct 16, 2000 9:30AM		
ASK FOR	IMMIGRATION EXAMINER		
REASON FOR APPOINTMENT	ADJUSTMENT OF STATUS		
BRING WITH YOU	SEE ATTACHMENTS		

**WARNING:**

Q. D.

DATE \_\_\_\_\_

U.S. RECEIPT  
BUREAU OF SERVICE

2.2

0-03-24

425.10

1985-1986

32

059,00

U.S. DEPT. OF AGRICULTURE

2000

SMITH


 UNIVERSITY OF MICHIGAN PRESS

2002

Very truly yours,

cc: S. Peelman



EXHIBIT 3

U.S. Department of Justice

## Immigration and Naturalization Service



NAME AND ADDRESS OF APPLICANT/PETITIONER

Qian Lin

H/ID

NAME OF BENEFICIARY

DATE

FILE NO.

FORM NO.

PLEASE COMPLY WITH THE BELOW CHECKED ☒ INSTRUCTIONS.

- ☐ 1. The above application/petition and its supporting documents are attached.
- ☐ 2. The above application/petition and its supporting documents have been forwarded to your attorney or representative.
- ☐ 3. Please complete the blocks on your enclosed application/petition which are checked ☒ in red.
- ☐ 4. Please follow the instructions on your enclosed application/petition which are checked ☒ in red.
- ☐ 5. Furnish the required fee of \$\_\_\_\_\_.
- ☐ 6. Furnish the birth or baptismal certificate of \_\_\_\_\_.
- ☐ 7. Furnish the marriage certificate of \_\_\_\_\_.
- ☐ 8. Furnish proof of death or legal termination of marriage of \_\_\_\_\_.
- ☐ 9. A foreign document must be accompanied by a translation in English. The translator must certify that he/she is competent to translate and that the translation is accurate.
- ☐ 10. Furnish the date and port of each of your entries into the United States and the name of the ship, plane, or other vehicle on which you traveled.
- ☐ 11. Except for aliens with occupations listed under Schedule A, 20 Code of Federal Regulations, Part 656.10, a certification from the Secretary of Labor must be obtained before your petition or application may be resubmitted to this Service. Further information and Department of Labor forms and instructions may be obtained from the local office of the state employment service agencies.
- ☐ 12. You have indicated that you do not intend to seek employment. You must furnish evidence that you have sufficient funds or other means of maintaining yourself in this country.
- ☐ 13. Furnish two (2) color photographs. These photos must have a white background, photos must be glossy, unretouched, and not mounted. Dimension of the facial image should be about 1 inch from chin to top of hair or head, shown in 3/4 frontal view of right side of face with right ear visible. Using soft pencil or felt pen, print name (and alien registration receipt number, if known) on the back of each photograph. You should show these instructions to the photographer who takes the pictures.
- ☐ 14. You may now apply for adjustment of status, on the attached forms, for yourself and the below listed persons.
- ☐ 15. Your proof of status documents have been checked and are attached. Your application/petition is being processed and will be completed in the near future.
- ☐ 16. You are granted additional time until \_\_\_\_\_ to submit a brief in support of your appeal, or to present evidence in rebuttal to the proposed visa petition revocation or denial.

✓ 17. Submit the original disposition of arrests under seal. ~~Complete~~ Submit a letter from the probate office stating that you performed the community service within 100 days to

USINS  
P.O. BOX 3460  
CHURCH STREET STATION  
NEW YORK, N.Y. 10008-3460  
ATTN: SECTION 2-5

FORM I-72  
REV 4-1-83PLEASE RETURN THIS LETTER AND ALL ATTACHMENTS WITH  
YOUR RESPONSE

EXHIBIT 4

NOTICE OF COMMUNITY SERVICE OBLIGATION)

TO: LINDA LEE  
FROM: ALTERNATIVE SENTENCE OFFICE  
RE: People vs. LINDA LEE (Docket No. 98N037938)  
DATE: Apr. 23, 1998

You have been referred to PARKS U to perform 1 day(s)  
community service. You must appear at UNION SQ. AT 14 STREET, PARK  
HOUSE at 8:00am-4:00pm on the following date(s): Apr. 28, 1998.

(Note: these dates will not be rescheduled.) Please  
bring this form with you when you appear to perform your community  
service. If you fail to appear or to successfully complete the  
required service, a warrant may be issued for your arrest.

BRC

Alternative Sentence Coordinator

Direction:

You are to arrive at UNION SQUARE PARK/14TH STREET at 8:00 a.m.  
SHARP and sign in on the attendance sheet.  
MANHATTAN-Take the 1, N, R, #4, #5, #6 train to 14th street  
Union Square stop. Walk upstairs to Park. Enter Park House  
near parking lot at 16th Street.

CRIMINAL COURT OF THE CITY OF NEW YORK  
NEW YORK COUNTY

NOTICE OF ALTERNATIVE SENTENCE

PEOPLE OF THE STATE OF NEW YORK,

against

LINDA LEE

Defendant

Part ARS

Docket No. 78203975

NYSID No. 8832487

The above-named defendant, who was arrested for ROBBERY (top charge),  
is hereby directed

- ☐ to perform \_\_\_\_\_ day(s) community service at an appropriate public program.
- ☐ to complete a two-day substance abuse and HIV-AIDS education program.

The defendant must appear in the Alternative Sentence Program Office today (see reverse side of defendant's copy for location). If that office is closed, the defendant must appear on the next regular business day.

Dated: 4-21-04

Judge, Criminal Court

TO BE COMPLETED IN COURT

1. The defendant has 0 prior convictions.
2. The defendant's record includes a prior conviction for homicide, assault, robbery, possession of a weapon, or a sex offense.  
☐ YES ☒ NO

RECEIVED BY DEFENDANT \_\_\_\_\_

CRIMINAL COURT OF THE CITY OF NEW YORK 117 CountyJudge FARRICHOF THE STATE OF NEW YORK,  
againstLINDA LER, DefendantCONDITIONS OF CONDITIONAL DISCHARGE  
C.P.L. §410.10 - P.L. §65.10Part AnsDocket Number 98207732

The above named defendant having been

- ☒ convicted of the offense of §40.10  
☐ found to be a Youthful Offender

In the criminal action entitled above and having been sentenced to:

- ☐ a \_\_\_\_\_ term of imprisonment, and to  
☒ a one year period of Conditional Discharge to expire on 4-22-99 unless extended or terminated prior  
 thereto in accordance with the Criminal Procedure Law,  
☐ and to pay a fine in the amount of \$ \_\_\_\_\_

It is ORDERED, that during the period of Conditional Discharge the defendant shall comply with the following conditions and any other conditions which the Court may impose at any time prior to the expiration or termination of the period of Conditional Discharge.

1. Lead a law-abiding life.  
 2. ☐ Pay the fine imposed ☐ Make restitution ☐ Make reparation  
 in the amount of \_\_\_\_\_  
 in the following manner \_\_\_\_\_  
 3. ☒ Perform \_\_\_\_\_ days - hours of Community Service, with \_\_\_\_\_  
 4. ☐ \_\_\_\_\_

## ACKNOWLEDGEMENT

Dated: 4-22-98 Judge [Signature]

I have this day received a copy of the Conditions of the Sentence of Conditional Discharge in my case,  
 I have read or have had read to me the Conditions of the Sentence of Conditional Discharge in my case,  
 I understand the Conditions and do hereby agree to comply with them.

I understand that the Court may, at any time prior to the expiration or termination of the period of Conditional Discharge, modify or  
 enlarge the conditions thereof or impose an additional period if I fail to satisfy a condition of reparation or restitution.

I UNDERSTAND THAT IF I COMMIT A NEW OFFENSE OR VIOLATE ANY CONDITION OF  
 THIS CONDITIONAL DISCHARGE, THE COURT MAY REVOKE THE SENTENCE OF  
 CONDITIONAL DISCHARGE AND MAY SENTENCE ME TO A MAXIMUM SENTENCE OF  
 (15 days - ~~3 months~~ - 1 year) IN JAIL. RECOMMENDED RESENTENCE \_\_\_\_\_

Dated: 4-22-98Defendant (Signature) Linda LerCounty of: 17Witness (Court Clerk, Signature) [Signature]

CRC 3008 (5/93) (EO-CRC 2)

DEFENDANT'S COPY-RETAIN FOR YOUR RECORDS (VLA A LA VUELTA)

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK  
THE PEOPLE OF THE STATE OF NEW YORK  
VS

CERTIFICATE OF DISPOSITION  
NUMBER: 36819

LEE LINDA  
DEFENDANT  
20-16 158TH STREET  
ADDRESS  
QUEENS NY  
CITY STATE ZIP  
DOCKET NUMBER: 98N037938  
110-651.2  
ARRAIGNMENT CHARGES

07/07/1969  
DATE OF BIRTH  
008882469M  
NYSID NUMBER  
04/22/1998  
DATE OF ARREST/ISSUE  
SUMMONS NO:

CASE DISPOSITION INFORMATION:

DATE	COURT ACTION	JUDGE	PART
04/23/1998	PLED GUILTY & SENTENCE IMPOSED PG 240.20 CONDITIONAL DISCHARGE=1Y COMMUNITY SERVICE=10	FIRETODIN	APARS

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN  
THIS COURT:

*Q. Lopez* *PA*  
COURT OFFICIAL SIGNATURE AND SEAL

10/19/2000  
DATE

FEE: NONE

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT  
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

NOTICE OF COMMUNITY SERVICE OBLIGATION

TO: PARKS U

FROM: ALTERNATIVE SENTENCE OFFICE

RE: People vs. LINDA LEE (Docket No. 98N037938)

DATE: Oct. 19, 2000

The above-named defendant has been referred to your agency to perform 1 day(s) community service within the next 0 days. The sentence was imposed by Judge FIRETOG, following the defendant's arrest for 110/65.12. I have instructed the defendant to appear at UNION SQ. AT 14 STREET, PARK HOUSE at 7:00am-3:00pm on the following date(s): Apr. 26, 1998. Please advise me as to the defendant's performance by answering the questionnaire below and sending the form back to me (Fax No. 1-212-335-9911).

  
Alternative Sentence Coordinator

☒ The above-named defendant appeared and satisfactorily completed his/her obligation to perform 1 day(s) community service.

☐ The above-named defendant failed to appear to perform community service as directed by the court.

☐ The above-named defendant initially appeared but failed to complete satisfactorily his/her community service obligation.  
Explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

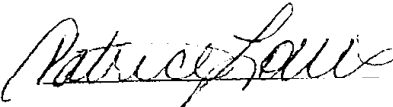




EXHIBIT 5

1

04/11/01

## U.S. IMMIGRATION &amp; NATURALIZATION SERVICE

## INQUIRY

PLEASE fill out ALL parts of this form. Writing inquiries on waivers maybe left in Room. All inquiries will be responded to by mail. There will be No exceptions!

## SECTION 245

Today's date: 4/11/01 Type of application/Petition: I-30 ✓ I-485 ✓ Other       

Name of Applicant- FIRST NAME QIAN  
LAST NAME LIN

Name of person Filing Inquiry (Who Should we call?) LIN QIAN

Applicant date of birth: 7/7/64 Applicant's country of birth CHINA

Applicant's Alien Registration A# 7 5 5 6 0 2 0 6

Applicant's Telephone #  
212 980 6938

Representative's Telephone #  
212 980 6938

Applicant's Present Address:  
721 FIFTH AVE  
APT 33 C  
NEW YORK NY  
10022

Representative Address:  
        
        
        
      

Have you been interviewed? Yes/No. If Yes. When? YES OCT 16 2000

Who was your Interviewing Officer? MRS. MARSHALL

When was your Application filed? MAY 1999

Reason for Inquiry I LIN QIAN AM REQUESTING TO REVIEW MY CASE

BECAUSE 6 MONTHS HAVE PASSED SINCE MY INTERVIEW  
WHICH I PASSED AND MY INTERVIEWER MRS MARSHALL  
JUST WANTED ME TO DROP OFF A DISPOSITION OF ARREST  
LETTER WHICH I DID IN THE BEGINING OF NOV. 2000

Please complete ALL parts of this form. Be as specific as possible. Failure to complete this form completely will result in significant delays in our response to your inquiry.

EXHIBIT 6

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

NEW YORK, NY 10008

Postage	\$ 0.55	UNIT ID: 0007
Certified Fee	1.90	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 3.95	Postmark Here

Clerk: KD9662

04/12/01

Sent To: **USINS P.O. Box 3460**  
 Street, Apt. No., or PO Box No.: **Church street station**  
 City, State, ZIP+4: **New York, NY 10008-3480** **Section 245**

PS Form 3800, May 2000

**SENDER: COMPLETE THIS SECTION**

1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  
 2. Print your name and address on the reverse so that we can return the card to you.  
 3. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

**USINS**  
**P.O. Box 3460**  
**CHURCH street station**  
**New York, N.Y. 10008-3480**  
**ATTN: Section 245**

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly): **Leonard Davis** B. Date of Delivery: **4/12/01**

C. Signature: *[Signature]* ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)  
**7000 1670 0008 0993 9692**

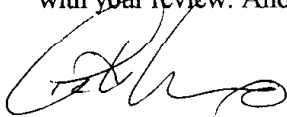
102595-00-M-0952

April, 12 2001

To Whom It May Concern:

I, Peter Moceo, am writing this letter requesting that you may review my wife's case. We were married in April of 1999, applied for citizenship in May of 1999. In Oct. of 2000, MRS Marshall interviewed us, and upon completion of our interview MRS Marshall told us that we did pass the interview, and she had no doubt whatsoever that our marriage was for real. However, we were missing a document I E: (original disposition of arrest under seal). She requested that we drop off this document, and we promptly did that in the beginning of Nov. 2000. Five months have passed and we have not yet received any notification concerning the pending status of my wife's case.

I have enclosed copies of any documentation you may need to help with your review. And I just want to say, thank you for your time.



Peter Moceo

PS: Personal Data of Applicant  
Qian Lin  
721 5<sup>th</sup> AVE Apt 33c  
New York, NY 10022  
D.O.B. July, 7 1964  
Tel. (212) 980-6938  
SSN. 074-86-3637  
Alien Registration A# 75560206  
Passport # 142258995

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
UNIT ID: 0007	
Postage	\$ 0.55
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.95
Postmark Here Clerk: KP5K1K 04/26/01	
Sent To <i>ms. Marshall USINS. P.O. Box 3460</i>	
Street, Apt. No., or PO Box No. <i>Church Street Station</i>	
City, State, ZIP+4 <i>New York, NY 10008-3480 ATTN: Section 245</i>	
PS Form 3800, May 2000 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION DELIVERY
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	A. Received by (Please Print Clearly) <i>4/30</i>
Article Addressed to: <i>ms. Marshall</i> <i>USINS.</i> <i>P.O. Box 3460</i> <i>Church Street Station</i> <i>New York, N.Y. 10008-3480</i> <i>ATTN: Section 245</i>	C. Signature <i>MW</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

102595-00-M-0952

April, 21 2001

MS. Marshall,

I hope that writing this letter to you is the appropriate thing to do. I, Peter Moceo, and my wife Lin Qian appeared before you in October of 2000 for an interview to change my wife's status in the U.S. to a resident.

At that interview we neglected to bring two very important documents I E: ( certificate of arrest, and satisfaction of probation).

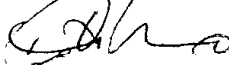
However, upon completion of the interview, you told us we strongly presented a truly believable marriage, and to just supply you with the proper documents to complete the case.

Two weeks later, our attorney hand delivered those documents to your office. But, did not get a receipt. Now he seems too busy to help us anymore. That's why he is no longer our attorney. Now we are taking matters into our own hands.

Enclosed are the documents that you requested which we hope will enable you to finalize our case, so we can bring closure to this phase of the immigration process.

I'd just like to say, thank you for your time.

Yours truly,



Peter Moceo

PS: Personal Data of Applicant  
Qian Lin  
721 5<sup>th</sup> Ave Apt 33C  
New York, N.Y. 10022  
Tel. 212- 980-6938 (home)  
D.O.B. July 7 1964  
SSN. 074-86-3637  
Alien Registration A# 75560206  
Passport # 142258995

EXHIBIT 7



102595-00-M-0952

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Certified Mail Only; No Insurance Coverage Provided)

**OFFICIAL USE**

NEW YORK, NY 10278

Postage \$ 0.57

Certified Fee 2.10

Return Receipt Fee (Endorsement Required) 1.50

Restricted Delivery Fee (Endorsement Required) 4.17

Total Postage & Fees \$ 8.24

UNIT ID: 0007

NEW YORK, NY 10278

Postage Paid

Sent To U.S. Department of Justice  
 Immigration & Naturalization Service  
 Street, Apt. No. or PO Box No. 26 Federal Plaza  
 City, State, ZIP+4 New York, NY 10278

PS Form 3800, January 2001 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>United States Department of Justice            Immigration &amp; Naturalization Service            26 Federal Plaza            New York, NY 10278</p> <p>2. Article (Title)</p>	<p>A. Signature</p> <p>X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery 1/7/02</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

25-02-M-1035

EXHIBIT 8

**NPI** MULTI-PROCESSOR  
INTERNATIONAL (USA), INC.  
145-18 156th STREET JAMAICA, NEW YORK 11434  
TELEPHONE: (718) 723-8428 • (718) 723-8427

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

INS Service. Inquiry.

✓ 4/11/01.

5/23/02.

✓ 7/17/02.

8/22/02.

7/15/03

✓ 10/28/03.

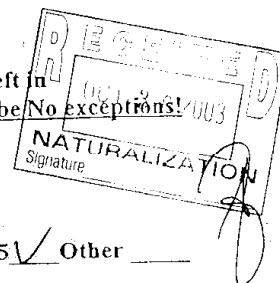
✓ 10/30/03. Ms I. Cortes

4/21/04. Mr. S Chisolm.

## U.S. IMMIGRATION &amp; NATURALIZATION SERVICE

## INQUIRY

PLEASE fill out All parts of this form. Writing inquires may be left in Room 8-800 All inquires will be responded to by mail. No exceptions!



## SECTION 245

Today date 10/30/03 Type of application/Petition: I-130 I-485 ☒ Other       

Name of Applicant FIRST NAME: Qian  
LAST NAME: Lin

Name of person Filing Inquiry (Who Should We call?) Qian Lin

Applicant's date of birth 07/07/64 Applicant's country of birth CHINA

Applicant's Alien Registration# (File#) A 75560206

Applicants Telephone# 212-980-6938 Representative's Telephone#       

Applicants Present Address: 721 5th AVE APT 33C  
New York NY 10022

Representative's Address:         
        
      

Have you been interviewed? Yes/No. If Yes. When? Yes Oct. 16/2000

Who was your Interviewing Officer? Mrs Marshall

When was your Application filed? May 1999

Reason for Inquiry? Check on the status of Green Card. My interview

was passed more than 3 years and. I have visited and  
filled this Inquiry form for many times (4/11/01, 5/23/02,  
7/17/02, 8/22/02, 7/15/03, 10/28/03, 10/30/03). However,  
Also, I sent Certified mail to Devona

I have still not been notified. May I have an appointment with  
Supervisor?

Please complete ALL parts of this form. Be as specific as possible. Failure to complete this form completely will result in significant delays in our response to your Inquiry

## U.S. IMMIGRATION &amp; NATURALIZATION SERVICE

## INQUIRY

PLEASE fill out All parts of this form. Writing inquiries may be left in Room 8-800 All inquiries will be responded to by mail. There will be No exceptions!

SECTION 245

Today date 10/28/04 Type of application/Petition: I-130 \_\_\_ I-485 ☒ Other \_\_\_

Name of Applicant FIRST NAME: Qian  
LAST NAME: Lin

Name of person Filing Inquiry (Who Should We call?) Qian Lin

Applicant's date of birth 07/07/64 Applicant's country of birth CHINA

Applicant's Alien Registration# (File#) A 755 60 206

Applicants Telephone# 212-980-6938 Representative's Telephone# \_\_\_\_\_

Applicant's Present Address: \_\_\_\_\_ Representative's Address: \_\_\_\_\_

RECEIVED  
US IMM. & NAT. SVC.  
2003 OCT 28 AM 10:57  
SECTION 245  
NEW YORK  
215th AVE Apt 33C  
New York NY 10022

Has your been interviewed? Yes/No. If Yes. When? yes oct 16 2000

Who was your Interviewing Officer? Mrs Marshall

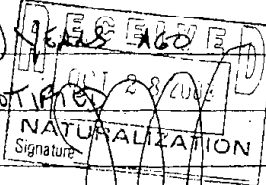
When was your Application filed? may 1999

Reason for Inquiry? CHECK ON THE STATUS OF GREEN CARD

MY INTERVIEW WAS MORE THAN (3) YEARS AGO

AND I HAVE STILL NOT BEEN NOTIFIED

AS TO MY STATUS.



Please complete ALL parts of this form. Be as specific as possible. Failure to complete this form completely will result in significant delays in our response to your Inquiry

4/11/01

7/17/02

7/15/03

ms. I. Cortes

## U.S. IMMIGRATION &amp; NATURALIZATION SERVICE

## INQUIRY

PLEASE fill out ALL parts of this form. Writing inquiries on waivers may be left in ROOM 9-900. All inquiries will be responded to by mail. There will be No exceptions!

EAU

Today's date 7/17/02 Type of application/Petition: I-485 ☒ Other ☐

Name of Applicant- FIRST NAME Qian  
LAST NAME Lin

Name of person Filling Inquiry (Who Should We call?) Qian Lin

Applicant's date of birth 07/07/64 Applicant's country of birth CHINA

Applicant's Alien Registration # (File #) A 755 60206

Applicant's Telephone # 212 - 980 - 6938 Representative's Telephone # \_\_\_\_\_

Applicant's Present Address: 721 5th AVE Apt 33c  
New York NY 10022 Representative's Address: \_\_\_\_\_

Have you been interviewed? Yes/No. If Yes, When? yes Oct 16 2000

Who was your Interviewing Officer? Mrs Marshall

When was your Application filed? may 1999

Reason for Inquiry? Check on the status of Green Card

almost two years have passed since my interview. Just want to know why there

is no response after we visited so many times with this Inquiry and sent certified mail to Mrs Marshall  
Please complete ALL parts of this form. Be as specific as possible. Failure to complete this form completely will result in significant delays in our response to your Inquiry.